

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SOUTHERN ELECTRICAL RETIREMENT FUND,)	
)	
)	
Plaintiff,)	
)	NO. 3:17-cv-01379
v.)	
)	
NRG MANAGEMENT SOLUTIONS, INC.,)	JUDGE TRAUGER
And ALFRED B. COLVIN, II,)	MAGISTRATE JUDGE BROWN
)	
Defendant.)	

ORDER

The Plaintiff has filed a Motion to Compel Discovery Responses (DE 29) and the motion has been referred to me for disposition (DE 31). The procedural history of this case is a bit confusing. The complaint in this matter was originally filed on October 18, 2017 (DE 1). Apparently, there was some difficulty in obtaining Service of Process since service was not obtained on NRG Management Solutions (NRG) until February 1, 2018. (DE 9). Service of Process was shown as being made on the company through it's registered agent Alfred B. Colvin, II, at two different addresses in Nashville.

Subsequently when no answer was filed by the company a Motion for Default was filed (DE 10) which was subsequently granted on March 26, 2018 by the Clerk (DE 13).

The Plaintiff filed a Motion for a Preliminary Injunction against NGR on April 12, 2018 (DE 14) which was subsequently granted (DE 18) on the same day. Subsequently on May 16, 2018, the Plaintiff filed a Motion to Enter a Final Order and attached to that motion a proposed agreed order signed by the attorney for the Plaintiff, Mr. Colvin and NRG by Mr. Colvin (DE 19-

1). This motion also sought to add Mr. Colvin as a defendant. The District Court subsequently granted the motion, added Mr. Colvin as a defendant and converted the Preliminary Injunction to a Permanent Injunction on May 18, 2018 (DE 21).¹

Unfortunately, it appears that the payments required by the Permanent Injunction were not fully made. Subsequently a Show Cause hearing was set for Mr. Colvin to appear on March 1, 2019 to show cause why the Defendant should not be held in Contempt of Court for failure to comply with the Court's injunction (DE 24). At the time appointed for the hearing, no one on behalf of the Defendants appeared for the hearing.² Some three and a half months later, the Plaintiff filed the present Motion to Compel Discovery Responses (DE 29). The Plaintiff noted they had scheduled the deposition of Mr. Colvin for Monday, June 10, 2019 (DE 29-1) and he had failed to appear for said deposition.

The Motion to Compel is GRANTED. NRG and/or Mr. Colvin are ordered to produce responsive documents within 21 calendar days of the entry of this order and further they are ordered to provide Plaintiff's counsel with dates for a 30(b)(6) deposition within 14 days of the entry of this order.

The Clerk is directed to send this order to the Defendant's at the address on the Certificate of Service for DE 29 by certified and regular mail.

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¹ Although Mr. Colvin has entered an appearance in this matter Pro Se the Clerk has not entered an address for him. The Clerk is directed to enter an address for both Mr. Colvin and NRG as shown on the Certificate of Service to DE 19. Mr. Colvin is not an attorney and may not represent NRG. They should secure counsel as they are in default.

² See transcript of the hearing (DE 28).

The Defendants are specifically warned failure to comply with this order will result in a Show Cause hearing for why the Magistrate Judge should not issue a Contempt Order which could include sanctions up to and including incarceration and/or monetary fines until such order is complied with.

SO, ORDERED.

/S/Joe B. Brown
Joe B. Brown
United States Magistrate Judge